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TRANSCRIPT OF PROCEEDINGS

O/N H-942518

INDEPENDENT PLANNING COMMISSION

MEETING WITH THE PROPONENT

**RE: GATEWAY DETERMINATION REVIEW
RELATING TO 55 AIRD STREET, PARRAMATTA**

PANEL: **ANNELISE TUOR
ADRIAN PILTON**

PARTICIPANTS: **DAN KEARY
BRENT DEVINE
MATTHEW TODD-JONES
JAMES MATTHEWS
ALEKSANDER JELICIC
CHARLIE DEMIAN
TODD NEAL
MATTHEW DANIEL**

LOCATION: **10 VALENTINE STREET, PARRAMATTA**

DATE: **12.03 PM, FRIDAY, 28 SEPTEMBER 2018**

MS A. TUOR: All right. We will get started. So good afternoon and welcome. Before I begin, I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to their elders past and present. Welcome to the meeting today on the review of the Gateway determination for the planning proposal to amend Parramatta Local Environmental Plan of 2011 in relation to site restrictions at 55 Aird Street, Parramatta, proposed by Demian Property Group. My name is Annelise Tuor. I'm the chair of this IPC panel. Joining me is Adrian Pilton on my left. The other attendees at the meeting are Matthew Todd-Jones from the IPC Secretariat and Dan Keary and Brent Devine from Keylan Consulting. As you're aware, probably, Dan Keary and Brent Devine have both worked previously for the Department of Planning and, for the record, I will just get them to do – declare whether they have any conflicts of interest in this matter.

MR D. KEARY: So as Annelise mentioned, both Brent and I previously worked for the department for a number of years but never worked on this site or on this matter. I also want to note for the record James did contract to our company a couple of years ago but, again, we don't believe it presents any conflict of interest.

MS TUOR: Thank you. So I will just ask your side of the table to introduce yourselves.

MR T. NEAL: I'm happy to introduce everyone. My name is Todd Neal and I'm a solicitor for the owner and the planners of this project. I work for Colin Biggers & Paisley and I'm a partner in the Planning and Environment team there. On my left is Matthew Daniel. He's from Pacific Planning and he's part of the planners for this project. To my right is Charlie Demian. He's a director of the owner of the property and on my far right is James Matthews, who is a planner with Pacific Planning and a director of Pacific Planning, who prepared the planning for this project, and on my right also is Aleks Jelcic, who's the architect who has prepared the urban design report for this planning proposal.

So I've been instructed today to provide a brief introduction about the planning proposal and the reasons why we consider the conditions imposed under the Gateway should be reconsidered. So we are clear, the planning proposal sought amendments to the LEP including increasing the maximum floor space ratio from 4.2 to 1 to 10 to 1, removing the application of the FSR sliding scale in clause 7.2 of the LEP, seeking access to bonus FSR provisions by demonstrating design excellence and high-performance buildings, and the further details about the planning proposal at attachment B of the bundle of documents that you've received.

The Gateway determination in November 2017, on the other hand, imposed conditions limiting the above points that I've just made, which essentially, to our client, provide a constructive refusal by requiring the application of the sliding scale provisions without the FSR out clause, which is now contained in the Parramatta CBD planning proposal. It also removed various bonus incentives. So that had the effect of bringing this proposal back to 6 to 1, or 6.9 to 1, if design excellence

is achieved. So I want to start by making it clear that this is version 3 of the planning proposal.

5 As your notes describe, the planning proposal process started out with what some
may describe as an audacious project of an FSR of 20 to 1 with a maximum height of
120 metres. The second version was slightly pared back to 15 to 1 with a 15 per cent
design excellence bonus maintaining a maximum height of 120 metres, but the
10 planning proposal that was ultimately sent to the department for a Gateway
determination sought what we think now is a happy medium and so it's seeking 10 to
1 plus the relevant bonuses of 15 per cent design excellence, 0.5 to 1 with the high-
performance building bonus and commercial FSR of 1 to 1 at the building base and
up to 3 to 1 under the commercial FSR bonus.

15 So the effect of the Gateway determination, if it proceeds unaltered, would be to
apply the effective FSR of 6.9 to 1 with the availability of the design excellence
bonus but without the other bonuses which constitute a mere 2.71 above the current
controls. So, really, what – if this travels, what is going to be tested is an extra 2.7 to
20 1 from the current controls. So our submission today is that the planning proposal
put forward to the department for the Gateway determination should be permitted to
run through the rigours of the part 3 process and that invites consideration, really, I
think, about what a planning proposal is and the guide to planning proposals – sorry
– the guide to preparing local environmental plans prepared by the department states
that a planning proposal – sorry – the purpose of a Gateway – sorry. I will go back.

25 It invites consideration about what a Gateway determination is and the department's
guide to preparing local environmental plans sets out what a Gateway determination
is and its purpose and it states that it's to ensure that there is sufficient justification
early in the process to proceed with a planning proposal. The Gateway
30 determination is a checkpoint for planning proposals before resources are committed
to carrying out investigative research/preparatory work in consultation with agencies
and the community. It enables planning proposals that lack strategic planning merit
to be stopped early in the process before time and resources are committed.

35 So whilst there is agreement here that the strategic planning merit exists for this
planning proposal to proceed, there is disagreement about how it should proceed for
this further testing in part 3 or under part 3 of the Environmental Planning and
Assessment Act. As we all know, the point of the Gateway process is to enable
further investment of resources and time into testing whether the happy balance that I
40 mentioned before really is a happy balance. It does not guarantee the final outcome
and limiting the further testing to a proposal with an effective FSR of 6.9 to 1, with
respect, is a little nervous from our perspective and it's overly cautious, in our
submission.

45 We think that it squanders the opportunity to consider something more confident and
in keeping with the future development that's going to be carried out around the site
with Westfield right next door and the CBD not too far away. So the Gateway

determination is not the final determination of whether this site should be given 10 to 1 with the bonuses. There are further checks along the way. If the Gateway determination remains unaltered, the Commission would need, in our view, to be absolutely sure there is no way 10 to 1 could work and that it lacks strategic merit for the part 3 process to test this.

It is our view that there is no reasonable basis to form this view at the present time and that the testing and that the rigour under part 3 should be allowed to run its course at the desired density our client and the council initially put forward to the department for the Gateway determination. We say it's premature to form the view that 10 to 1 with the bonuses cannot work and that, instead, the testing should occur, and if it's found to come up short, then that's something our client will live with.

Turning to the justification for this planning proposal, in essence, we say that the Gateway determination, as it stands, would either support mediocrity or, worse still, would make development of the site unviable, leaving the status quo. In either case, we say that that fails to achieve the recently amended objective in the Environmental Planning and Assessment Act of good design and amenity of the built environment. In our view, it will be a wasted opportunity if all that gets tested is the mere exceedance of 2.7 to 1 over the current controls. Even at six to 1, the same issues that surface at 10 to 1 exist, which begs the question: why not test something that's a little bit more confident and that yields more housing and the economies of scale can be used to produce something that's a little bit more ambitious?

It's worth repeating that allowing it to proceed at 10 to 1 does not necessarily mean that what is – does not necessarily guarantee what's going to be gazetted. The part 3 process will run its course and it allows the testing of whether or not this has viability. If the Gateway determination remains unaltered, we say that it's going to quarantine the site from the evolution of Parramatta that's beginning to occur with Westfield abutting the site and we understand that Westfield is earmarked for over 40 storeys. If the Gateway determination remains unaltered, the site will be consigned either to its current status or to an average development out of kilter with the vision contained in the plan for growing Sydney where Parramatta is spoken of as our second CBD or central city, with a need for high-skilled jobs and accelerated housing.

If we wait for the unicorn of perfect amalgamated sites in the hope that the sliding scale incentives contained in the environmental planning instrument will change things, then we're, in effect, choosing the easy way out rather than looking at the opportunities that exist in reality now and using the rigours of the part 3 process to do the hard yards and make a challenging but nonetheless viable site work. We say that there are other ways of encouraging sites to develop rather than holding out the carrot of this rigid sliding scale provision in the historical LEP. One such way is to allow high quality sympathetic redevelopment of small sites which can also encourage development of fragmented adjoining sites. Holding up the development

of a right site such as this based on the decisions of owners of other sites not to amalgamate will consign the site to the status quo or mediocre development in stark comparison to what is going on around the site.

5 Our desire is for the strategic planning to move beyond the cookie cutter lot with perfect symmetry and for the opportunity to be given to explore a proposal at 10 to 1 with relevant bonuses which would transform future development of the site out of mediocrity. Our desire is to explore the workability of tall, slender buildings with fast-moving shadows. That's our core argument. Before we take questions and
10 before James and Alex take you through the urban design and the planning I wish to conclude by making a number of final remarks about the department's Gateway review justification assessment and its comments about prematurity with the use of the FSR out clause.

15 If the Gateway remains unaltered and the planning proposal is confined to the existing sliding scale clause and is restricted – and was restricted from testing the FSR out clause contained in the CBD planning proposal and the decision is made on the basis that the planning proposal – the CBD planning proposal has not yet been determined, it will mean that small sites like this are subjected to the rigid application
20 of clause 7.2 which is in the LEP 2011. We say why not unshackle the testing from this historical clause to see if a small site can be made to work. The Gateway determination for the CBD planning proposal which proposes to do this could take years to come. There seems no reason not to test this on a site-specific basis.

25 Now, it won't necessarily open the floodgates to the whole of the CBD. Imposing the sliding scale in the 2011 LEP defeats the point of a planning proposal which is to allow testing without the constraint of the current controls and to look at new controls. Based on the CBD planning proposal itself as it currently stands council
30 thinks that it is appropriate for small sites to be given the opportunity we seek to avoid the application of the sliding scale in clause 7.2 or to modify it. Council's most recent decision making – in our view makes sense and we think that the current controls disincentivise better design despite the object of the Act. Our client has engaged sophisticated architects to carry out further urban design testing to demonstrate the urban design that can be achieved and we think it's premature to
35 make the conclusion that the site can only inherently produce a sub-optimum built form at 10 to 1.

Our preliminary analysis indicates quite the opposite. And, finally, the comment in the Gateway review justification assessment that the built form would produce zero
40 side setbacks and 120 metre high blank walls we think needs to be better contextualised. In our view it's one-dimensional. Some of these problems will exist at 6 to 1 except that the height is obviously reduced. Finally, the council's views as set out in the Gateway review justification assessment have now been superseded, we think, because of the recent resolutions in relation to the Parramatta CBD planning
45 proposal. We don't wish to distract the Commission on this since ultimately the purpose of the Gateway is for you to inductively determine on merit what form of the planning proposal it should take.

So I might now hand over to Alex and James as they speak to the planning and urban design aspects of the planning proposal or any questions.

5 MS TUOR: Yes. Just before you do that, can you clarify exactly what parts of condition 1 you want amended. We almost need a strike-out in bold.

MR NEAL: Yes. (c)

10 MS TUOR: But in terms of (d) you don't want all of (d) struck out; you only want from where it says, "But remove the reference to commercial floor space" struck out. Because you still want, "Require a minimum commercial floor space of one - - -

MR DEMIAN: Yes.

15 MS TUOR: 1 to 1, is that right?

MR DEMIAN: Yes. That's correct. Yes.

20 MS TUOR: So it's (c) in entirety; (d), the first sentence up to "....."; and then (e), you want it removed in its entirety.

MR NEAL: Yes.

25 MS TUOR: Okay. Good. Thank you.

30 MR MATTHEWS: Is there any other background or is – or any other clarity on how we got to where we are today that you require or are we all kind of on the same page? Because obviously there has been quite a lot that has gone on in terms of the history and the relationship of the proposal to the CBD planning proposal and what's key here, I guess, is the sliding scale provisions that because we're a small site we haven't been able to amalgamate and 11 to 13 Aird Street which is on the other side of Westfield which I would probably define as just being outside the commercial core which is 102 metres and 10 to 1 and that plan has been made and that process has also been going on as

35 We've aligned process with the CBD planning proposal which again has been in the department for a couple of years.

40 So the timing of that is unfortunate but I guess the critical component here is the sliding scale provision in the out clause and by removing that or not having the ability to test this at the 10 to 1 really defeats the kind of the purpose of the process. So that's, I guess, where we're at. And a lot of the comments from the council's officer's report and then the department's planning team report generally are based on architectural components and setbacks and blank walls and that kind of thing. So that's why we've been working hard the last couple of years with Alex who's our architect on the site-specific planning merit.

45 I think everyone would agree generally that big buildings in Parramatta are – and in the – the Westfield proposal I think it's actually 60 storeys rather than 40, as

Todd mentioned just now, are the general pattern of development in the area in the immediate vicinity. And if we were able to amalgamate a much bigger building would have – would have been yes. But we have done a lot of design work to show why this site can develop on its own, noting the fragmented ownership and adjoining us – our lack of ability to amalgamate and their ability to develop in the future and independently.

So that's what we've really focused on and therefore – I think there's a comment within the council officer's report and the department's report that 25 storeys is okay highrise and we're just trying to work out with – trying to work out that logic of height is just – is just a number when you get to those kind of those heights and therefore the FSR is just a product of the design of our building.

But on top of that we get, you know, commercial FSR which is what – we're in the commercial core here so – or close to – so we'll be able to provide some of that and able to provide better building if we've got that at a – a better building bonus. And design excellence, of course, and a lot of it – this – this will be tested in the design excellence process. So I guess in a way – I'm guessing onto maybe Alex – is that or would you like to backtrack?

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MS TUOR: Well, I think – probably what if you could do is just briefly - - -

MR MATTHEWS: Sure.

MS TUOR: We have read obviously all the documentation but if you can just briefly outline why you consider that the proposal meets the strategic merit test and then the site-specific merit test and, as part of that, presumably Alex will then explain specifically what he has done in terms of urban design response to the site-specific merit test.

30

MR MATTHEWS: Okay.

MS TUOR: Because they're the criteria that - - -

MR MATTHEWS: Yes, of course. Yes.

MS TUOR: - - - the department has assessed it against and it's – actually that's our role in reviewing it as well is to look at those aspects.

MR MATTHEWS: Okay. Well, I guess firstly just in terms of strategic merit, I mean, 10 to 1 I think is generally supported here and all the bonuses would be if we had a bigger site and I think that's what it boils down to.

MR DEMIAN: Well, the site – yes, the site seems to be the opportunity site for Parramatta which is a 3 to 1 bonus but had been restricted to 1800 square metres plus under the 2016 council resolutions that came out. Further, it's on a block where the properties around it have - - -

45

MR JELICIC: Can we use this image for a drawing.

MR DEMIAN:

5 MR JELICIC: It's clearer to understand the context, I think, for everyone. So I
guess – I'll just maybe – maybe and then we can come back to the most specific
items. So obviously this is the context plan which shows our site in relation to the
Westfields which is to our west. Aird Street which is theoretically a dead-end street
– yes – and obviously Church Street to our east. Now, we also – what we did is
10 when we started looking at this site from day one we collectively look at what's, I
guess, pragmatically able to be developed.

So we clearly excluded Westfields because we don't have control over it. There's an
existing RFB to the sort of south-east of our site and so the leftover sites that we
15 looked at which approximately to – just over 2000 square metres collectively to
our east which is between basically our site and Church Street. When we went in
originally we went in with a building that was slightly lower and with a bigger floor
plate and we agreed with council's – we had a very limited number of meetings with
the council on this particular project – maybe earlier in the piece – And we agreed
20 that having a building with a greater floor plate and lower building would result in a
poorer outcome. Hence what we did is we pulled the building back somewhat,
reduced the floor plate down to four apartments per floor and we increased the
building height to what it is today in the current report.

25 Now, there were some comments that came to us but we never actually had
opportunity to respond to the council urban designers in relationship to some of the
site's performances. I guess one thing that we would like to say is that in regards to
the blank façades and the zero side set-back, so to speak is that our building currently
is only approximately 280 to 300 square metres of gross floor area per floor. Now,
30 council's strategy for the town centre is 750 square metres of gross floor area per
floor. So this is one of the reasons why we felt comfortable that should the
development to us on the right-hand side if they were to combine or
amalgamate all of those sites, they've got an opportunity even if they were to
combine against our building, that collectively between the two buildings, the
35 floor plates would not be greater than what the current – the council's strategy
stipulates, being 750 square metres per floor. So even if the two buildings - - -

MS TUOR: So that's for residential – 750 square metres

40 MR JELICIC: Yes, that's correct. Yes. For the residential on a tower component,
not

MR DEMIAN: Preferred

MR JELICIC: that's preferred rule of thumb, which is what they've been, kind of, regularly - - -

MS TUOR: And that's in their strategy?

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MR JELICIC: In their strategy for the town centre. That's correct. We actually applied a similar rule somewhere else in – which is currently being – obviously assessed by the staff. And their urban designers were pretty comfortable with that approach because, obviously, as we can appreciate amalgamation – and one of the things that is also important to say, the site and the conditions and amalgamations are very unique. So I don't think that's to say that what we are currently proposing on our site is necessarily relevant to any other site in Parramatta. So we think that what has been proposed on this has got a very specialised conditions and hence why we basically put these items forward.

15

Another thing that was also discussed about our proposal is set-back in relationship to the tower component above the podium, now, traditionally, council requires a six metre set-back especially on a main road, such as Church Street. We are – in this – early discussions with the council, council urban designers felt comfortable for us to give our southern set-back 12 metres as much space as we can. They were comfortable with us pushing the building to the north because there was no provision for a built form to take place across – to the northern side of Aird Street and also because this particular part is so unique they felt it's not going to necessarily impact the sightlines or the alignment of the towers in this particular street because it's so short. So, obviously, if our site was facing Church Street, there is a certain, I think, expectation for the buildings to be set back in order to align all the towers in relationship to the podium even though that hasn't happened on some of the more recent developments, but I understand the council designers are big on that. We felt we did not have that – obviously, issue. With the - - -

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MS TUOR: So – sorry.

MR JELICIC: Yes.

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MS TUOR: Just on that, the – I mean, my understanding of set-backs in a CBD context is that you don't just do it in terms of aligning with other buildings. It's also done for reasons of wind, also canyon effects and, you know, just the perception at street level - - -

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MR JELICIC: That's correct.

MS TUOR: - - - of the pedestrian

45

MR JELICIC: Yes, that is correct. And that's something, obviously, that usually gets tested. So there are some buildings in Parramatta that have got towers that come all the way down to the ground. There are some that actually push back, but, normally that's, kind of, tested during the – I guess, Gateway process and then – but

that's where they determine is it really essential for that to happen. But they – also what they do is they look at collectively all the potential future built form that will take place on the rest of our block, which is basically this portion there. And this is something that we've been suggesting all the way through.

5

Now, this particular sketch does not – it shows, like, a six metre gap between the two towers. This was purely for us to suggest, well, there is an opportunity to do something like that, but even if the two buildings were to abut against each other – and let's say hypothetically that this was all one site, at the end of the day, this would still be built form in our opinion. So what I'm trying to say is that sometimes the boundaries are arbitrary elements in a proposal. Ultimately, what you like to do as an urban designer is to look at the whole site as one and then suggest or, I guess, envisage or anticipate what's going to happen later on, as well.

10

15

We feel comfortable that if the future building that was on our eastern side was to butt against our tower, the shape and form of the built form would be consistent with a typical tower in Parramatta town centre. I will take this a little bit further. So – and then what we also did is – and this is something that we never really discussed in detail with the council urban designers or planners was from a residential point of view. Currently, our building is designed in such a way that it has, obviously, commercial on the ground floor, some sleeved car parking on upper levels and then we have residential above that. The residential currently comprises of two, sort of, typical floor plates, one which has got four apartments per floor and the other one that has got three, which in a nutshell – so there was a concern about the residential floor plate. Now, from a there could have been there is - - -

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MR DEMIAN: That's correct

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MR JELICIC: Yes. That's the simpler version – that's a simple version of what we've done

MR PILTON: Okay.

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MR JELICIC: But, fundamentally, it's the same plan. So what we've got is basically four apartments per floor, while we have three two bedroom apartments and a one bedroom apartment. The – to the north, we have three apartments per floor facing obviously Aird Street, which gives us solar access and then we have one apartment that's facing south and potentially - - -

40

MR DEMIAN: East/west.

45

MR JELICIC: - - - east – and could potentially have a secondary interface with the east and west. Now, one of the things that was suggested to us is that these indentations are light wells. I disagree with that because the light well, in my opinion, is something that obviously is surrounded on all four sides. What this is – this is basically just mere indentations in the building which comply with the in relationship to its width and depth, which is a 2:1 ratio. And what we were

suggesting previously because these buildings are designed in such a way to utilise the maximum allowable depth of 18 metres from glass to glass, the building that would potentially be built maybe next to us will potentially bite against our eastern elevation and then obviously follow the orientation and alignment with Church
5 Street. So therefore this would always be so-called communal, I guess, or shared open space to allow for the cross-ventilation of the future building and so on. So I don't envisage that the building would necessarily be built along our eastern boundary because it just does not, kind of, have merit or principle.

10 And this is what we, kind of, never had opportunity to go back to the council to explain that these layouts would comply with, I guess, the main principle, such as the cross-ventilation and solar access because we have 75 per cent of units that are cross-ventilated as well as oriented to the north, but that's also not necessarily complying
15 with the ADG interpretation that all the units are cross-ventilated above level 10 and we're not – we're obviously also relying on a rule that apartments have cross ventilation up to level 10, as well.

MS TUOR: Do you actually have an indicative floor plan of how one of those three bedrooms would be arranged?

20 MR JELICIC: So this is – this is another one, a typical that we've developed, actually, since we've looked at that - - -

MS TUOR: But you didn't actually put rooms in

25 MR JELICIC: No, we haven't but, I mean - - -

MS TUOR: So in - - -

30 MR DEMIAN: But they're 95 square metres, though.

MS TUOR: Yes. No, no - - -

MR JELICIC: Yes.

35 MS TUOR: - - - it's just terms of imagining how you're going to actually get light to all your living areas residential amenity

MR JELICIC: This is obviously quite – this is obviously quite easy because you
40 would have - - -

MS TUOR: Yes. Yes.

MR JELICIC: - - - living area in the middle and a bedroom on each side. On this
45 one, what we have – usually have an interlocking obviously, we have a living area that's facing to the north. We will have all the kitchen and services in the

middle. And what we normally do is we rely on bedrooms which are offset to have natural ventilation across there. And, obviously, this is - - -

5 MS TUOR: So that's – as I understood it, they were going to be three bedroom apartments - - -

MR JELICIC: So these are the two bedrooms. The three bedrooms – they usually have - - -

10 MS TUOR: Okay.

MR JELICIC: - - - which is three apartments per floor. What they normally do is they utilise the bedrooms in the front, which – that's the bedroom 3 – and this is the same rationale as what we're having for the two bedrooms, which is basically one
15 bedroom at the back and one bedroom across like that, so they both get obviously, amenity and so on, and living areas are always facing north. And these all – these walls actually follow the line of the two bedroom unit arrangements, as well. So they can take place randomly throughout the whole tower. They don't necessarily have to take place in a particular part of the building, but they can actually be positioned in a
20 different place. And this would obviously take – this arrangement will take place across roughly four levels because we are envisaging 10 apartments – 10 per cent for three bedroom units – across the whole development which currently, I think, suggests about 80-odd apartments. So that's what we're envisaging that this is how it would work.

25 Again, this is the condition that we would suggest for the eastern side and, again, the same thing. The portion that's facing Westfields – I will quickly pull up the diagram. So this was a very new diagram that was provided, so what we have, we've got Westfields. This is the sixty – did you say

30 MR MATTHEWS: 66 yes – something like that

MR JELICIC: It's the - - -

35 MR NEAL: Not 40.

MR JELICIC: It's the - - -

MR MATTHEWS: No, no, no – 67 - - -

40 MR JELICIC: - - - 60-odd storey

MR DEMIAN: original

45 MR JELICIC: - - - commercial floor plan. Yes. And this is a 40-storey that Westfield originally had in place.

MR DEMIAN: That's right.

MR MATTHEWS: That's approved.

5 MR DEMIAN: Well, they had this approved and then they've modified that and relocated it to the - - -

MR MATTHEWS: Yes.

10 MR DEMIAN: - - - which faces Macquarie Street for provisions and it's about 67 storeys approximately, and obviously this is our proposal that's – and then Aird Street is obviously just in front of our site.

MR MATTHEWS: Can I just point out - - -

15

MR DEMIAN: Yes.

MR MATTHEWS: - - - it's at 11 to 13 Aird St.

20 MR DEMIAN: It's on this side here somewhere, isn't it? So this is on - - -

MR MATTHEWS: Which is a very similar - - -

MS TUOR: So that was the 11 to 13?

25

MR DEMIAN: 11 to 13 Aird Street, correct. Yes.

MR PILTON: What level does the Westfield car park come up to in your building
.....

30

MR DEMIAN: Car park and commercial.

MR PILTON: No. I'm just saying what level is still under the carpark?

35 MR JELICIC: So – okay. So I will explain this is a relationship clearest – no. No. Yes. I've got it. I've got it. So this is just a conceptual .plan so Westfield obviously is – it's actually behind us so what we have – we have a commercial – we have a commercial on our ground floor, then we've got sleeved car parking above ground level and then we've got - - -

40

MR MATTHEWS: No. Before that.

MR JELICIC: Yes. Commercial.

45 MR DEMIAN: So what we have originally - - -

MS TUOR: Sorry. Can you – stepping back, can you just explain, when you say “sleeved car parking” what you mean by that?

5 MR JELICIC: So what we have – that’s the car parking above ground.

MS TUOR: Yes.

10 MR JELICIC: Yes. So what it means is, on the ground floor, we have obviously residential entry and commercial for the street activation.

MS TUOR: Yes.

15 MR JELICIC: Then we have a ramp that goes – a driveway that goes on the ground as well and then, at the back of the site, we have a ramp that brings the cars on it to the upper levels of the building, which forms the podium, and that podium actually butts against Westfield. The reason why we did it – because the amenity, obviously, to the site is quite poor, so we obviously suggested that having car parking in this arrangement would obviously be the more suitable interface to Westfield’s car park, which is unlikely to change, and then, above that, we have obviously a tower which
20 has been modulated and designed to reflect - - -

MR DEMIAN: But I think, to answer the question - - -

25 MS TUOR: Yes.

MR DEMIAN: - - - the sleeve in the car park is actually a commercial suite at the front of the car park on each level of approximately about 14 by five metres in width.

30 MS TUOR: So where’s that shown on the plans

MR DEMIAN: Well, it’s actually not shown so basically all of those in there are a commercial façade that we have designed for the front of that.

35 MS TUOR: But I just don’t understand how you would be able to then – if you’ve got parking how deep was your commercial going to be?

MR DEMIAN: This is about – so what we have on a sleeving for the commercial car park – this is a typical car park.

40 MS TUOR: Yes.

MR DEMIAN: But because we do have one floor underground and we have the rest above ground – so with the ones above ground, we have a screen of approximately about five meters.

45 MS TUOR: So you’re saying a five-metre screen.

MR DEMIAN: That's correct.

MS TUOR: So if you brought this in five metres - - -

5 MR DEMIAN: Yes. Which is - - -

MS TUOR: That length of your car park is probably 5.5?

10 MR JELICIC: That's – it's 5.– yes. 5.4. Yes.

MS TUOR: Okay. So, roughly, your car spaces would then start here.

MR DEMIAN: It doesn't interfere with the circulation.

15 MS TUOR: So how do you - - -

MR DEMIAN: Well, this is not it. because the rest of the car park is likely to be designed more of a in between the levels, if you've seen those around, where the ramp doesn't need a very lengthy circulation and accesses – yes. Yes. So it's
20 actually half.

MS TUOR: It's a scissor.

25 MR DEMIAN: It's a scissor type.

MS TUOR: Yes.

MR DEMIAN: And the front of the vehicles were within that circulation. So what we've provided in the early,. original and typical layouts of - - -
30

MR JELICIC: For the car parking.

MR DEMIAN: For the car parking.

35 MR JELICIC: The other option is, because the council doesn't have – obviously, necessarily rates for the parking, we could also – like, in simplistic terms, even if you were to dedicate those parking spaces for commercial and apply the same circulation method, that would still work. That's - - -

40 MR DEMIAN: But just to add on what Aleks had said, if we go back to the footprints that we have – typical footprints – we basically comply with the ADG on the basis that the width is required to be approximately, as a guide, between 12 and 18 metres and we actually see it at 14 metres or 14.1 metres or thereabouts. So it pretty well fits within that guide width – as far as the cross-ventilation for the units,
45 for example, we work on the 2 to 1 – again, as per ADG – like, 2 to 1 on width versus depth to actually get cross-ventilation out of it and this is

pretty much what we've done here on 2-plus to 1 ratio to actually get full cross-ventilation off of those and it's in both directions.

5 So that gives us approximately, on the four units per floor, 75 per cent for cross-ventilation, which is way above what's required, we've got three which again gives us about 75 per cent plus the potential of that getting more. so you can almost have 100 per cent once fully tested in the future when we go to the next level, again, we're getting 100 per cent of those .units. facing north – again, the same ratio of 2 to 1 plus, so we comply with - - -

10 MS TUOR: So just on that, though, in terms of, say, your three-bedroom one, there – the purple - - -

MR DEMIAN: Yes.

15 MS TUOR: The one closest to me.

MR DEMIAN: Yes.

20 MS TUOR: Cross-ventilation – how are you actually achieving that because you've got your bedroom - - -

MR DEMIAN: So it basically comes in there from - - -

25 MS TUOR: Well - - -

MR DEMIAN: So you've got a window in there - - -

30 MR PILTON: the window – you leave the windows open - - -

MR DEMIAN: And you've got a window in there.

MR PILTON: Yes.

35 MR DEMIAN: So the cross-ventilation pretty much comes in - - -

MS TUOR: But you're going - - -

40 MR DEMIAN: - - - both directions. So they're actually the best cross-ventilated units when they are through units from one level to the other and in there – and obviously this one, you know, works whichever way – this one gets it from multiple directions. So that's in the through one. If we go back to this template, obviously, this is the only one that doesn't get cross-ventilation – but the same things here. This one gets it. This one gets is and then, you know, sort of this one - - -

45 MS TUOR: But as we're saying, it's from a light well through a bedroom window, the door opens to the bedroom, then into your living area.

MR DEMIAN: Well, that's what is typically done with the ADG.

MR JELICIC: Yes. So what - - -

5 MS TUOR: Okay. I'm just clarifying.

MR JELICIC: So what the ADG says is that, if you have a unit, the maximum distance you can have from glass to glass - - -

10 MS TUOR: Yes.

MR JELICIC: - - - is 18 metres - - -

MS TUOR: And that's what you've got, is it?

15

MR JELICIC: - - - which we have, yes.

MS TUOR: Okay.

20 MR JELICIC: Hence why these units were very specific – like, measure distance. Like, 71 square metres. This is 72. So – yes. 75 square metres at the back.

MR PILTON: So you believe it should all comply with SEPP 65?

25 MR JELICIC: Yes.

MR DEMIAN: Absolutely.

30 MR JELICIC: That's correct. Yes. And this is something that we unfortunately – as I said, like, we had some very workable relationships with the council staff early in the piece but then somehow the - - -

MR DEMIAN: Council staff has pretty much signed off on it

35 MR JELICIC: Well, the council city architect was happy with this built form. One of the things that we kind of – that's what I started saying earlier – is that we originally were looking to potentially pursue five apartments per floor but then we all agreed that that was a bit ambitious in relation to the setbacks and everything else, but what was very critical is pulling back our building to 12 metres from the southern
40 boundary in order to allow for any future development to take place and not to be burdened by our setbacks in this distance because, if you look at that site is not that deep. Obviously, we've got a Westfield, which is quite huge, on this side, but on this side, by the time they apply their setbacks from their northern boundary, our southern. Obviously, they've got a leftover space for the tower but the council early
45 in the piece were feeling quite comfortable and again, like, whether it's – what we mentioned earlier – whether this is a 25-storey building or a 30-storey building, it still will most likely end up with this arrangement because having the building

reorientated, trying to face sideways – it just makes no practical sense but what’s really important in our opinion is that these sites are not burdened by our zero setback. They can comfortably develop, whether it’s this form – even if these sites were like this, or approximately 30 per cent greater or larger – this particular
5 amalgamation – than our site and so obviously the building will be somewhat maybe taller, but they’ve got comfortably the ability to butt against our building and - - -

MS TUOR: So just in your rear apartments - - -

10 MR JELICIC: Yes.

MS TUOR: - - - is that curved wall – that envisaged to have windows?

MR JELICIC: So what we’re thinking – what we’re envisaging is, obviously, some
15 of the utility rooms such as the bathroom and ensuites and what have you will be at the back. I would suggest that, obviously, due to the final resolution and design, you would probably put the windows perpendicular to these windows. So obviously it’s like an L-shaped building. You don’t actually have windows there to face each other. You would want to put recessed windows across there that are looking across
20 that way or that way, respectively, and then there is no direct - - -

MS TUOR: And what’s your separation distance then from the boundary?

MR JELICIC: In this particular instance?

25

MS TUOR: Yes. Yes.

MR JELICIC: Six metres.

30 MS TUOR: Okay.

MR JELICIC: Yes. Obviously, we have to be – and we also have a very generous access to a common lobby as per the ADG in relation with the area and ventilation and so one, which we think is basically essential. We have two lifts, which is pretty
35 common for any buildings above 24 storeys, but we also comply with the ADG because the ADG stipulates one lift per 40 apartments. So having two lifts, that would obviously service comfortably – currently proposed about 80 apartments in that building.

40 MS TUOR: And that rear – it’s dependent on having windows to achieve light to your number of bedrooms and living areas that you’re envisaging or - - -

MR JELICIC: Across the – yes. So we can comfortably have all of them basically glazed because, obviously, we comply with the building separations - - -

45

MS TUOR: No. But you need to have windows at that curved part that you just - - -

MR JELICIC: No. We're only relying for that in regards to the cross-ventilation
- - -

MS TUOR: Okay.

5

MR JELICIC: - - - because what we're claiming is - - -

MS TUOR: And otherwise – yes.

10 MR JELICIC: We don't comply – we don't rely on this necessarily for the Solar.

MR DEMIAN: Solar. Yes.

MR JELICIC: comfortably there.

15

MS TUOR: Yes. Sure.

MR JELICIC: But what we're claiming is – when we first started preparing, there
was a transition of the ADG where the ADG actually suggested that having two-
20 storey maisonette apartments – even a single aspect apartment like this would work,
but then in a revised ADG, they're saying that they actually scrapped that. So that's
why we were suggesting that it's really important for this unit to have that ability
and, of course, once we go into this module, which is the three apartments per floor,
then even without relying on this particular unit, we achieve the cross-ventilation
25 because these two units will comfortably achieve that.

MR PILTON: I know what other around the place

MR JELICIC: Well, I mean, you know, it's something that we get constantly and
30 we – obviously, with this particular thing, we've done quite a few – well, we're
doing currently quite a few projects in Parramatta. And there are some very
challenging conditions. And council – I mean, urban designers and city architect are
constantly suggesting architectural built form to be of this sort of appearance. Even
if you have a built form that's got a significantly greater footprint, they want us to
35 design it to appear like a cluster of skinny towers rather than having one big solid
tower, unless it's a commercial building. That's the kind of rationale.

And again, we – I mean, we just have to look at things like, you know, buildings in
Melbourne, which – this is Phoenix Apartments, which – opposite the river. And
40 they're basically 6.4 metre wide units and 20-odd, 30-storey buildings with blank
concrete façades. So obviously they've used artwork to, obviously, articulate that.
And this is something that we'd be, obviously, looking to do, as per our proposal.

We were always claiming that – we never suggested it would just be a blank façade,
45 because we don't know what's going to happen on this site. This may, obviously,
stand vacant for the next 20, 30 years. We don't know. So clearly our input was not
to create a secondary façade as such but to actually incorporate the front perspective

and basically use the same materials that we were suggesting at the front to kind of – so this would be a high-quality material at the same time rather than just being a blank façade. And that’s - - -

5 MR DEMIAN: Okay. Just to move on a bit about the history of the site – so when we first purchased the site – and I’ll just give you a copy of that.

MR PILTON: Thank you.

10 MR DEMIAN: I’ve met with all six landowners individually. And the real estate that we purchased the site from is also the managing agent for at least half of those. We’ve met with them, and the obstacle or problem that we had is that those
15 properties had been held by the same owners for a very, very long time. One of the six owners basically said, “Look, this is my superannuation; I’m going nowhere, and I’ll keep using it as it is for now, getting my rental income.”

The second property or one of the six properties again has got a term of lease of up to 2024. And the property, which is the key site, has got a tenancy with the Bank of
20 China up to 2026, including the first option there. And I believe they had some other arrangement to extend and go beyond that date. So they basically pretty much had no interest in the sale or the amalgamation of the site as a whole.

Only one of the six owners was prepared and was interested in amalgamation. But, unfortunately, his property is one of the smallest, in the centre of the six properties,
25 and wouldn’t really go anywhere without the other landowners’. We ended up getting a valuation on it per site. And this was only an initial offer, so we hadn’t really – not our final offer. And by registered mail we’ve sent it to all six owners. And we didn’t get a single response back: not a counter-offer, not a response, nothing. So that’s pretty much as far as the – this site goes. So there wasn’t really
30 much of an opportunity to consolidate with them.

But the remaining property that is this property is about 1200 square metres. And that can get a pretty good, balanced outcome, whether as per possible footprint that Alex has designed or a different footprint. This site has got a pretty – a pretty big
35 frontage on this site. And we’ve – this site was one of the early sites that was put to the council back in 2015, 16 on what height and what FSR. Back in 2015, the council was still debating whether they’ll limit CBD on height restriction or FSR controls. And, you know, sort of there was half and half, basically, on what people thought.

40 We came in with a potential building that would be 40 levels. And that attracted something like almost 20 to 1 FSR. We had a 33 storey building – and that attracted the 15, 16 to 1 FSR – and a 17-storey building, which attracts the 6.9 to 1. And we pretty much put it to council at that time in a couple of workshops and asked what
45 their thoughts were on the height. Now, some preferred the 40-storey building, considering that a lot of the newer buildings at Parramatta are 50- and 60- and 65-

and the rest of it. And the majority have gone for the middle range, which is the 33-tower building with parking aboveground.

5 So obviously we had intended to have the ground floor retail, three to four parking levels plus a few underground and about three to four residential – sorry, commercial levels that were put way above the Westfield structure that exists right now for a better amenity. Residential pretty much starts at about level 8 upward. And we had this – the footprints that Alex had designed, and we had workshopped with council officers and the rest of it, which would achieve at worst case scenario of about 75 per cent solar access and 75 per cent cross-ventilation.

10 The council resolved, in May of 2016, a 15 to 1, even though our proposal that we had put forward was based on the 10 to 1, which is basically the sites permitted with opportunity, because it's marked as one of the opportunity sites. So we actually asked for the 3 to 1 on top of that, plus design excellence and high-performance building, which got us 10 to 1.

15 In the council resolution, the council gave us the 10 to 1 providing that we meet the SEPP 65 requirement, design excellence, solar access. And then they didn't allow the opportunity FSR bonus, because they reserved that for sites above 1800 square metres, but instead they made the comment that this site is located quite strategically and only within a very short distance to a railway station and the amenity of a shopping centre next door, and they wanted to put more FSR as employment land, which we had done with the council in other sites in the previous – so that added a 3 to 1, which gives it a total of 4 to 1 FSR. And they believed that would be quite good for the professional suites and offices so they wanted the extra employment.

20 Following the council amalgamation, obviously councillors were dismissed and we had a bit of – you know, throwing much back and forth with the council planning. The council resolution used a consistent with the CBD framework at that time, or CBD framework. The council staff tried to interpret that – well, you know, the sliding scale should apply and the other ones shouldn't be put forward. That took approximately about nine months of correspondence back and forth. And then the administrator at the time in June of 2017 redetermined the council resolution by interviewing some of the former councillors, especially the first and second and re-awarded exactly what the council had in the first place.

25 Obviously, that's the case that went to the Department of Planning. And I think on the back of the council staff issue on small sites at that stage, the – a determination came up as it did. But, you know, as I said, when you look at the – and you can currently now include June and 12 September of this year. The council have pretty much almost re-endorsed what the previous council had for the CBD framework. And they were pretty specific on small sites. There was quite a number of debates actually and workshops which this site was considered in, involved in May, debate workshop as well as the office workshop, which led to a final resolution on smaller sites in the CBD framework.

And that basically for commercial or employment, attracts approximately about 12 to 1, which is pretty much – and James has put together a summary of the history up to date, which has a – a good program, or a good table, on - - -

5 MR MATTHEWS: It's similar to my submission but just with the - - -

MR DEMIAN:

10 MR MATTHEWS: - - - provision of at the beginning of the - - -

MR DEMIAN: So on page 4 approximately, there's a program in there that talks about the 2016 maximum allowance under the council policy or the draft CBD framework at that point of time, and the one updated in 2018. Now, the 2018 is a maximum – a possible maximum up to 10 to 1 on the proviso that it meets the SEPP 15 65 requirements in better design, design excellence. 15 per cent and high performance, which was specifically actually provided in this council resolution for any sites that have a minimum of 6 to 1 FSR upward. That would total at 12 to 1, you know, with that high performance. And, mind you, this resolution was in 20 2016 by council to provide at that 0.5 to 1. Because it is for better energy rating and better high performance building. So council has agreed on that at this stage again in the – in that final resolution on 12 September.

MS TUOR: As I understand you weren't actually seeking the high performance. Were you seeking the high performance?
25

MR DEMIAN: Yes, we were. Yes.

MS TUOR: Okay.

30 MR DEMIAN: So that was in both resolutions in the past in May '16.

MR: We were originally seeking that; yes.

35 MR DEMIAN: In June '17 and again we endorsed - - -

MS TUOR: So the high performance - - -

MR DANIEL: Yes.

40 MS TUOR: I'm just trying to clarify. It's not the one that relates to the size of the floor plate.

MR DEMIAN: No. No. Look, the council staff at one stage between 2016 and 2018 tried to apply it to sites above 1800 square metres. Councillors, as I 45 understand, especially the councillors that came from the old council were not happy with that because they want better performance building for all buildings and was endorsed

again on 12 September in – I think after item 5 where they said that the 0.5 to 1 high performance will apply to any sites that have at least a 6 to 1

5 MS TUOR: Okay. So the - - -

MR PILTON: That's all to do with sustainability and

MR DEMIAN: Yes. Yes.

10 MR: Yes, meaning a mark. There was - - -

MR DEMIAN: Which - - -

15 MS TUOR: So the one that relates to sites over 1800 is the commercial bonus of 3 to 1 not being included ; is that right?

MR DEMIAN: Well, that's correct. That's correct.

20 MS TUOR: That's the opportunity sites. Okay.

MR DEMIAN: No, no, no; they were3 to 1 FSR for residential. But for size above 1800 square metres the council in the old resolution and is still contained now, the sites above 1800 square metres will get to about 15 to 1 FSR which incorporates at least 1 to 1 commercial minimum and anything above that it becomes non FSR
25 accountable. So for sites above 1800 square metres can, for example, so they get the typical bonuses and FSRs up to 15 to 1. And if sustainable by design then they can ask for three, four, five, six or whatever they need in a commercial

30 With this particular site because of its location in that particular spot beside the station and at the entry of Westfields, one of the councillors in particular wanted more employment land on it and he moved the extra 3 to 1 in that planning proposal of ours.

35 MS TUOR: Okay. So if we can just go through so we understand exactly the FSR bonuses that you're seeking in relation to condition 1 - - -

MR DANIEL: Yes.

MS TUOR: Which is essentially what you're asking us to review.

40 MR DANIEL: Yes.

MS TUOR: So you want a maximum height control but you don't want clause 7.6 removed; is that right?

45 MR DANIEL: Yes.

MR DEMIAN: That's correct.

MS TUOR: So you really want (a) amended as well, don't you.

MR MATTHEWS: Well, height will just be the product of the - - -

5 MR DANIEL: Yes. The height will be a product of the end study and that's not an unusual thing that happens with Gateways in Parramatta CBD is that the department puts in a Gateway decisions that do this additional urban study taking all these into account and then the height that comes in at the end we will then gazette that height as a result of some study.

10 MR DEMIAN: But you – you're correct - - -

MS TUOR: But this is specifically saying include a maximum height of building control.

15 MR DEMIAN: Yes, you're absolutely correct. I think we should restate what the council resolutions in both occasions were – is

20 MR DANIEL: No, no, the study - - -

MS TUOR: No, no. I know what council's decision is. I just want – our task is to review the Gateway determinations, specifically condition 1.

25 MR DEMIAN: Yes.

MR DANIEL: Yes. Yes.

MS TUOR: So we're not reviewing council's decisions.

30 MR MATTHEWS: Sure.

MR DANIEL: We're not arguing with number 1(a); it's fine.

35 MS TUOR: So I want to just exactly understand.

MR DANIEL: It's fine.

MS TUOR: So number 1(a) stays.

40 MR DEMIAN: Yes. Sorry.

MR DANIEL: It does.

45 MR DEMIAN: The height - - -

MR PILTON: 1(a).

MS TUOR: 1(a).

MR DANIEL: Yes. It – yes, 1(a) is fine because the results of our study will say what the building – will inform the height.

5

MR DEMIAN: Well, I mean the proposed building that we have is about 33 storey building inclusive, right. The original resolution didn't have a height limit but, yes, look, I mean, it can work either way.

10 MS TUOR: No, no, I'm just – so if it went – if the Gateway went through, it went on exhibition, it would go on exhibition with a height control.

MR DANIEL: Eventually, yes. That's right. The department would have to specify that at the end of our urban design studies. That would inform – or that
15 height study will – or that height - - -

MS TUOR: All right. So you're envisaging that if we were to agree with this being removed that you would then come back with another urban design study that would put a height control in it - - -

20

MR DEMIAN: A height - - -

MS TUOR: - - - and then that would be what goes on exhibition for people to comment on.

25

MR DANIEL: That's correct.

MR MATTHEWS: We lodged it with a limit see from the table which is 120 metres.

30

MS TUOR: Yes, yes.

MR MATTHEWS: So what the council determined without a height - - -

35 MS TUOR: Yes.

MR MATTHEWS: Because for studying – to requiring the height we required and as Max said the – I wasn't surprised by that condition and the study height.

40 MS TUOR: Okay. And clause 7.6 only applies to buildings over – was it 150

MR PILTON: 156 metres off the top of my head.

MR DANIEL: Something like that.

45

MR DEMIAN: Yes.

MS TUOR: Yes. Okay. So (a) can stay. Then you want to amend the floor space ratio map to provide a maximum FSR of 10 to 1.

MR DEMIAN: Yes.

5

MS TUOR: Then, as I understand it, you wanted – you don't want the sliding scale to apply.

MR DEMIAN: That's correct.

10

MS TUOR: And then you want FSR of 1 to 1 for commercial plus; 3 to 1 that is not included in commercial FSR.

MR DEMIAN: That's correct.

15

MS TUOR: Which is – has that got a special name, that bonus? Is that – that's the - - -

MR DEMIAN: Yes. I can't remember the name of it. It's actually - - -

20

MR MATTHEWS: It's probably at the back.

MR DEMIAN: Yes, it's in both – I don't know that we have an extract of that. But it's for commercial – provide an extra commercial above the 1 to 1 of commercial FSR. I can't recollect the – it is in the CBD – draft framework. We haven't got it , I don't think.

25

MS TUOR: That's not called an opportunity though.

30

MR DEMIAN: No, no.

MS TUOR: No. Okay.

MR DEMIAN: The opportunity is the typical three – 3 to 1 arrangement.

35

MS TUOR: All right. So - - -

MR MATTHEWS: Clause – sorry – 7.11 – commercial premises would be for mixed use of – located in the vicinity of the

40

MS TUOR: 7. ?

MR MATTHEWS: I think that's the one, isn't it?

45

MR DEMIAN: Is that the one that attracts that FSR counted for those?

MR MATTHEWS: yes. So:

...the minimum FSR for any commercial premises – floor space of any development on land to which this clause applies is 1:1 ... any additional commercial floor – commercial premises floor space provided in excess of the minimum specified in 3 will be exempt from the overall maximum floor space ratio –

5

so they're using that clause - - -

MS TUOR: And that's clause seven - - -

10

MR MATTHEWS: - - - to provide for the additional 3:1 is cl 7.11 - - -

MR KEARY: 7..... 7.1

15

MS TUOR: All right. But, also, that's not the one that's only applying to sites that are a minimum of 1800 square metres. It's just any site - - -

MR KEARY: No, it is.

20

MR DEMIAN: but – but - - -

MR KEARY: But only where the site has a minimum area of

MS TUOR: Okay. So this is a minimum site area

25

MR DEMIAN: That clause is but, as I said, the council has themselves resolved

MS TUOR: No, no. I'm - - -

30

MR DEMIAN: Yes. Correct.

MS TUOR: I'm just trying to look at merits so just tell me why you think it should apply.

35

MR DEMIAN: Well, again, the location being pretty at the doorstep of Westfields and about 50 metres from the railway station, so being a small footprint-type site will actually provide excellent professional suites on a – you know, sort of footprint per level of about 250 square metres or split in half provide 125 square metres each on a two per floor-type basis. And that would provide for the key people, like a dentist, architect, engineers – the smaller professional suites that want to be close to a railway station without the use of cars and without the requirement of parking. That's

40

MR MATTHEWS: Yes. We – the way – the direction that Parramatta is going, the big commercial floor plates - - -

45

MR DEMIAN:

MR MATTHEWS: Yes. These are more smaller to lose that small office - - -

MR DANIEL: Yes

5 MR MATTHEWS: - - - space that a small – little company might want. They can't necessarily afford to give it to a big

MR DEMIAN: Well, see, it's not – it's not triple A-rated commercial. It's going to be more like a C-class or - - -

10

MR MATTHEWS: Yes.

MR DEMIAN: - - - the like because of the – but, as I said, it's more suitable for the professionals, like, the sole traders and the professionals that need an office space
15 work from home without the use of the car.

MR MATTHEWS: We always talk about residential variety in terms of supply and different types of housing. It's the same for commercial.

20 MR DEMIAN: Well, in the CBDs, I've seen a lot of people that convert a residential unit into an office and use it a number of professionals that do that about the mix between commercial and residential and I think suites like that will provide that gap which is missing without having to pay 600 bucks a square metre for commercial. You can either purchase it because it's affordable or you can rent it
25 because it's affordable - - -

MS TUOR: Okay. Though my understanding of that clause was specifically to encourage large floor plate, A-grade commercial floor space so - - -

30 MR DANIEL: Yes, it certainly is and that's how to do it, but we feel that as the Department has assessed that this building works at 6:1 and has strategic merit, what we're finding it difficult to understand why building at 6:1 therefore then a building at 10:1 doesn't have strategic merit in that sort of so in relation – one of the key objectives of Parramatta CBD is to obviously – you know, they're very concerned
35 about making sure they maintain and create employment floor space. There has been a lot of argument and discussion around how they contain, how they protect that because naturally, the market for housing is moving ahead faster than it will for commercial, but we know is the – as we know from other town centres that – and internationally that eventually the commercial market will pick up, and it will be
40 just a timing frame around that. The logic is – so we feel that – and in Alek's studies and also there, that a larger building is quite appropriate on this site and it won't restrict the amalgamation or the redevelopment of those sites in the future, but specifically what we think is important is to create a diversity of commercial floor
45 space.

And, of course, it's great and we look behind us there, there's a building there for – so one of the big accountancy firms, but of course there's ancillary uses that are

needed in those smaller, cheaper, sort of floor spaces that are required and that will provide a competitive element to the future which we think actually meets that strategic objective that the State and the council are trying to achieve by providing a diversity of floor space rates. The good thing about this project – what it will do –
5 and we're actually finding in another large tower that we've done with Charlie in – that was actually in the commercial core is by providing those different levels of commercial floor space – and large traditional ones that one of the big firms will do that's blue chip – it will enable that – enable us to – at the moment in the market, the profit leading floor space obviously is the residential and this subsidises the
10 commercial floor space below it because – and so therefore we're able to bring it onto the market at a more affordable level.

And I think it's very important because it looks like you know, it's like all these things happen. On a – when you get into the detail more of this, we need that sort of
15 diversity of product into the Parramatta CBD market to make it all work, not just the large plate floor space - - -

MR DEMIAN: But just - - -

20 MR DANIEL: - - - and these smaller sites can produce that, but it's the economics that doesn't allow you to do it just on its own. A mixed use site can develop that – and that's very important. Hence why we're thinking, sure, Department, you say 6:1 is right, but we feel 10:1 is right because it could provide all these other opportunities for the future, for the market and for the viability of Parramatta as a town centre.

25 MR DEMIAN: But, see, all of those things are previously on other sites extracted the – actually, it was pretty similar to this where we actually agreed with the council on 4:1 commercial – they've actually put it on the LEP for this site as a specific that we must provide 4:1 any development going forward permanently.
30 So we thought that was pretty good. And the smaller footprints actually smaller suites under \$1 million a unit is quite sustainable and affordable as a point of difference from those more expensive suites.

MS TUOR: Okay. So then just back on your condition 1, you want the reference to
35 high performance building incentives included.

MR DEMIAN: That's correct.

MS TUOR: So just remind me what the high – that's the 0.5 for sustainability?
40

MR DANIEL: Yes.

MR DEMIAN: Yes. That's for any Parramatta - - -

45 MR DANIEL: That's correct. And can I say this – that's very important again. And if I can just talk to the land economics that seems to be missed. Council has done a study recently – and one of their reports recently which – I – we were quite critical of,

It said that buildings of different densities and different ones can not really achieve this high performance bonus and better standards of building. And I thought, well, I don't think that's an appropriate – to say in relation to building sustainability, the – it is – these sort of things – it's just like we are with incentives for power generation
5 it's up to the market to provide – for the regulator to set the benchmark – if you can achieve these, sort of, benchmarks, we will give you this, sort of, bonus. What we're asking for is to say that if you're – give us – and they had an economic argument that you couldn't actually achieve it at certain densities or certain building mixes.

10 We're saying provide industry and provide us the opportunity to do so – and if I can reflect back to my comments of it being a loss leader. If we produce C-grade space but it meets these basic targets that are basically almost to the level of A-grade building, it then makes the operation of those commercial suites better in the market
15 for the future and enables those sort of users - - -

MR DEMIAN: But it is - - -

MR DANIEL: - - - to have better outcomes in relation to sustainability. So we're keen to have – to allow us to test it. If we're not able to achieve it, we don't get the bonus - - -
20

MR DEMIAN: But it is - - -

25 MR DANIEL: - - - so there is no risk for the - - -

MR DEMIAN: - - - council policy of 6:1

MR DANIEL: That – correct.
30

MR DEMIAN: That's

MR DANIEL: But there is no risk in relation to that

35 MR DEMIAN: Okay.

MR DANIEL: So we think it's – it needs to be incentivised in that sort of sense - - -

MR DEMIAN: Okay.
40

MR DANIEL: - - - in these sort of buildings.

MR DEMIAN: All right.

45 MS TUOR: And then if you're happy with

MR DEMIAN: Yes.

MR DANIEL: Yes. Well, that will just be a subject of the studies that we do.

MS TUOR: So it's basically 10:1 with a 3:1 not included in your floor space ratio if it's for commercial and the 0.5 for high performance

5

MR DEMIAN: Yes, plus obviously which is the 15 per cent.

MS TUOR: Yes. Which is hasn't been deleted. Right. And then just stepping back to your site-specific merits, you mentioned a few times that you be giving –
10 having retail on the ground floor - - -

MR DANIEL: Yes.

MS TUOR: - - - so I just want to understand how you're having retail on the ground
15 floor, given - - -

MR DEMIAN: So, basically, what we have with the – have you got a footprint for the commercial so what we have is we have a three and half metre driveway along the eastern boundary – the full length of the eastern boundary, which leads to a
20 driveway right at the back. So this is the three and a half, four metre-type driveway – that's more like a laneway now. Our driveway starts from this point onward, so once again the before it goes down and then basically – hold on. I think this is an outdated diagram where it shows the service but

25 MR JELICIC: Yes. They were talking about – yes, they were talking about - - -

MR DEMIAN: The loading dock now is at the back here, so he drives in, reverses, drives forward, reverses and gets out. So that footprint in there up to about that point becomes commercial - - -

30

MS TUOR: Sorry.

MR DEMIAN: commercial.

35 MS TUOR: Can you explain how long is your loading dock? It's probably, what
- - -

MR DEMIAN: Well, it's about – it was eight and a half metres or thereabouts.

40 MS TUOR: So about – at least 10 metres.

MR JELICIC:

MR DEMIAN: Eight and a half metres of eight and a half metres. So the way it
45 works – it will drive in. It will reverse into a bay and it will get out in a forward direction.

MR JELICIC:

MS TUOR: A bay that's under the ramp, going up?

5 MR JELICIC: Yes.

MR DEMIAN: Yes. So this – this - - -

10 MS TUOR: So your height - - -

MR DEMIAN: This retail – this retail – we're proposing a 5.6 metre height for the first floor, and we will for retail floor, so actually we're not so high.

15 MS TUOR: I'm just trying to understand. So you're saying you're going to have retail here. You're going to have a - - -

MR DEMIAN: Retail from here, from here, from - - -

20 MS TUOR: From there. Okay.

MR DEMIAN: Retail is - - -

MS TUOR: But your loading dock truck would - - -

25 MR DEMIAN: So this is a car - - -

MS TUOR: - - - come along here, reverse into there, and it needs at least 10 metres, and - - -

30 MR DEMIAN: But that becomes the loading/unloading bay - - -

MR PILTON:

35 MS TUOR: But you've got a ramp, so it has to be - - -

MR DEMIAN: So we've got 14 – we've got 14.1 metres width. Right. So the truck drives up down this driveway.

40 MS TUOR: Yes.

MR DEMIAN: And then will reverse into a bay – a loading/unloading bay – and then will drive forward into same - - -

45 MR PILTON: But how - - -

MS TUOR: But it has to be under the ramp, and the height would have to be - - -

MR DEMIAN: Are you talking about this distance from the ramp here to that distance in there?

MR PILTON: that's the - - -

5

MS TUOR: Yes.

MR PILTON: So your truck – your truck's going to park something like that?

10 MR DEMIAN: The ramp finishes about here. That's - - -

MR JELICIC: Yes, so you may have to rely on a turntable-type arrangement, because obviously, in regards to the deliveries as well, we've got a very minimal retail, but we will have – the whole rationale behind it is to create as active interface as possible. The other thing that we spoke about with the traffic engineers – we tried to reduce the entry, if we can, because we're going to have very limited car parking arrangements. So, instead of having a 6.2 metre wide entry to the building, that's obviously, you know, potentially taking up 40 per cent of the site width, we would rather have something that's three and a half metres, which is a one-way signal-like system. That will give us the rest of the frontage to be a combination of a lobby for residents and some form of retail on the ground floor as well.

15

20

MR DEMIAN: No, but the question is – the question - - -

25 MR PILTON:

MR JELICIC: Yes. No, actually, the is to have lobby, obviously, on one side and then - - -

30 MR PILTON: Yes.

MR JELICIC: - - - obviously trying to utilise it in the middle – trying to utilise some sort of commercial or retail, so we activate the frontage as much as we can.

35 MR DEMIAN: But I understand your question, and I think the truck - - -

MR JELICIC: Yes.

MR DEMIAN: - - - in reversing has to miss this driveway ramp, which basically - - -

40

MR PILTON: If - - -

MR DEMIAN: - - - is to be within that section there.

45

MR JELICIC: Yes.

MR DEMIAN: And then it will go forwards. So commercial up to that area, and the rest of the area will be services and substations and the rest.

MR PILTON: I see. Services.

5

MR JELICIC: Yes.

MR DEMIAN: Yes.

10 MR JELICIC: It's services. Currently - - -

MR DEMIAN: This is – this is - - -

MS TUOR: Yes. And also you've got a - - -

15

MR DEMIAN: This is way outdated. This is back - - -

MR PILTON: Okay.

20 MR DEMIAN: - - - from the early days.

MS TUOR: Yes. It's – see, the difficulty we have - - -

MR DEMIAN: So we haven't updated it.

25

MS TUOR: - - - is that new? – we are meant to be assessing the proposal that was
- - -

MR DEMIAN: As it stands.

30

MS TUOR: - - - assessed by council and by the Department of Planning, and information can be put in, you know, just to clarify things that have already been put in, but I think there's one of the questions in the actual guidelines that we – the circular – is that – is the planning proposal that we're assessing the same one that has
35 been put forward?

MR DEMIAN: Been proposed. I understand.

40 MS TUOR: So a lot of things that you're giving us – let's say with the amalgamation – was this, you know – basically, this has been given to council - - -

MR JELICIC: Yes.

MR DEMIAN: It has been, yes.

45

MS TUOR: So - - -

MR JELICIC: - - -

MS TUOR: So that's something that - - -

5 MR DEMIAN: Everything that we gave has been given to council, and with - - -

MR JELICIC: There's a full report. A full report was given - - -

10 MR DEMIAN: But is this the earlier than amended – that's the question.

MR JELICIC: Well, we kind of - - -

15 MR DEMIAN: We've done quite a number of revisions. I think we're up to revision 5.

MR DANIEL: Well, this is DA level as well, isn't it?

MR JELICIC: Yes.

20 MR PILTON: It's a – yes, it's sort of a - - -

MR DEMIAN: So it's – yes.

25 MR JELICIC: Yes.

MR DEMIAN: concentrated on - - -

MS TUOR: Well, it goes to the site-specific merit.

30 MR JELICIC: Yes.

MR DANIEL: Absolutely.

35 MR DEMIAN: Yes. I think, from a traffic point of view, this was done purely to demonstrate that the vehicles can circulate through the building, but I think the question that you're putting forward is more of, I guess, a planning – better planning outcome. Can we do something to keep that street activation as best as we can? So we, as I said – mentioned earlier – there was a number of things that we managed to reach only up to a certain point, but we never managed to fine-tune that to the level
40 that you're obviously discussing now.

MR JELICIC: - - -

45 MR DEMIAN: Yes.

MR JELICIC: So - - -

MS TUOR: No, no, it's not – I don't think it's design detail at all. I think this is basically us having confidence that your site can accommodate a redevelopment - - -

MR DEMIAN: Yes. Yes.

5

MS TUOR: - - - essentially, you know, even to the 6 to 1.

MR JELICIC: Yes. Yes. Well, that's what I thought – I understand, and I think it - - -

10

MS TUOR: If it's - - -

MR JELICIC: This is obviously a very engineering approach, so something like – to say, “Yes, the cars can get in. The trucks can do that”, but obviously for us to make it better than what engineers are suggesting just to tick a box at this preliminary level is something that we will obviously have to develop further.

15

MR PILTON: I mean, it's probably - - -

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MR JELICIC: Yes.

MR PILTON: - - - too detailed a question at this stage, but - - -

MR JELICIC: Sure.

25

MR PILTON: - - - I've been having a look at the back of these properties. I'm not quite sure how you would actually meet the levels and so on.

MS TUOR: Well, again - - -

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MR JELICIC: If we - - -

MS TUOR: - - - if we wanted to clarify - - -

35

MR PILTON: where they've got cars parking in there, and so on.

MR DEMIAN: That's good. I hadn't - - -

MS TUOR: This is a ROW isn't it?

40

MR JELICIC: That's the right of way. Yes.

MS TUOR: The right of way benefiting - - -

45

MR DEMIAN: Benefiting the - - -

MS TUOR: Burdening your property, benefiting these properties.

MR JELICIC: That's correct.

MR DEMIAN: That's correct, yes.

5 MS TUOR: So that has to be redone as an easement or - - -

MR DEMIAN: It's like a laneway.

10 MR JELICIC: That's correct. It has to be redone there's a third thing. The easement has got a cap height that we have to comply with. So we have to allow certain heights in order for them to maintain access with the trucks and what have you.

MR DEMIAN:

15

MR JELICIC: And why the ramp is positioned on the other side. So we keep that, the driveway, flush with the back of the properties. And obviously we utilise our circulation at the back of that end. That's why we kept it clean and free along that path.

20

MS TUOR: So you're saying you're envisaging that this right of way will still be benefitting these properties.

MR DEMIAN: Yes.

25

MR JELICIC: That's correct.

MR DEMIAN: It has to - - -

30 MS TUOR: So you would – well, you can do a deal and change the right of way and - - -

MR JELICIC: That's correct.

35 MR DEMIAN: We can

MR JELICIC: But at the moment, it's been designed – it's been designed that actually, they get that direct access as it is.

40 MS TUOR: So again, you're looking at having cars, trucks, reversing out.

MR JELICIC: Well, this is something that'll have to be - - -

45 MR DEMIAN: Well, no. No. The easement is actually – restricts them to use that easement. They can't go outside the easement. So any .manouvre has to happen within their properties. And that three and a half to four

MR PILTON: Yeah. So they can come into there and - - -

MR JELICIC: Yes.

5 MR DEMIAN: Yeah. But they can't - - -

MS TUOR: Yeah. But - - -

MR PILTON: But - - -

10 MR DEMIAN: They can't come up

MR PILTON: But where are they going to put their bins and all that kind of stuff?

15 MR JELICIC: Yeah. Well, I mean - - -

MR DEMIAN: It's how it is now.

MR PILTON: I mean, that's a detail - - -

20 MR JELICIC: I know. I know.

MS TUOR: No. No. No. But I'm just saying this is going to be used as access to your development.

25 MR JELICIC: That's correct.

MR DEMIAN:

30 MR JELICIC: Yes.

MS TUOR: Potentially to get out, reversing out of that space, you'll be doing 10 point turns. So you potentially will have a car not going over the right of way line, doing all these manoeuvrings, while you've got other cars wanting to come in. This is a one way system up here. So potentially if you've got a car wanting to come down, you've got a car wanting to go up. I don't know if you're going to have lights there. So you've got cars banking up here. We're just trying to understand how it works, that's all.

40 MR JELICIC: Yeah.

MR DEMIAN: Yeah. This – if you have a look at it ,. visit the property, you will find a majority of those are pretty wide at the back. There's hardly any fences at the back. And they usually with the actual operators that go in there. And the building that existed up till recently, the building finished at that dotted line. So they had always operated within that space by being able to have a flexible reverse and to get out. Now, when our traffic engineer has done this driveway – obviously our

ramp starts at this point here. So sort of and the ramp starts at this point for our development. And that this will be signalised laneway.

5 MR JELICIC: Yeah. It's done all the way up the building for the six or seven levels.

MR PILTON: Presumably you've got to meet the levels here, which is quite a bit higher than there.

10 MR JELICIC: Which we have.

MR PILTON: So then you've got to get your 5.6 above that.

15 MR JELICIC: That's correct. Yeah.

MR PILTON: So it'll work out to be about seven or eight down here.

20 MR DEMIAN: I think the easement requires us to provide them with, I think, four or four and a half metres clearance anyway.

MR NEAL: Three. Three and a half.

MR DEMIAN: That's what the

25 MR PILTON: Three and a half.

MR DEMIAN: Three and a half. Sorry.

30 MR PILTON: Three and a half. Okay.

MR NEAL: There is a traffic engineering report that's at the very last page of your attachment G. And that has been prepared by Lyle Marshall & Associates back in 2015. It's this document here. It deals with the right of way. It deals with a traffic – a signal control system. The ramps have been checked in compliance with single
35 lane access. Ramps to upper levels.

MR PILTON: Yes. Okay.

40 MR JELICIC: So I think it's also important to note that what we're currently proposing is the very limited parking on this project. We're not actually suggesting that we're providing car parking for all 80-odd dwellings plus the commercial. But it provides for some car parking. And that's something that we'll obviously fine tune once we've, I guess, developed this further to know exactly what the council's expectation, the Department's expectations, would be for the car parking, for a
45 building of this scale. Because obviously council's position at the moment is like you don't have to have any parking if you don't want to.

MR MATTHEWS: Yeah. It's a maximum, not a minimum.

MR JELICIC: Yeah. Exactly.

5 MR PILTON: Yeah. I – yeah.

MS TUOR: Yeah.

10 MR JELICIC: But we think – we feel that let's be realistic, I think there's obviously certain provisions you have to have, at least for disabled car parking and so on. There has to be some vehicle access. This is not like a boarding house. I mean, even a boarding house now has to have 50 per cent. But I think that's what we've always, from day one, said. Yes, we've tested it. It is one of those pragmatic things that you've flagged that could undo the proposal. And hence why we've sort of gone
15 through various simplistic engineering testing process. But obviously from this point onwards, we're looking to fine tune and make it, obviously, better from a planning point of view.

20 So it just doesn't tick a box from just engineering. But I think the other thing also to note – that the way it's currently laid out is that the properties to our side, they'll actually have a better opportunity in relation to circulation because they're not necessarily going to be confined to use just their easement. But they might be able to actually utilise the full driveway arrangements. Because let's be frank – I mean, the way it's currently located in the entry – I mean, I don't think that's necessarily
25 complying with the Australian Standard. Because they would have to, obviously, reverse and so on. But - - -

MR DEMIAN: But as I said, the previous building came right up to the dotted line.

30 MR PILTON: Yeah.

MR DEMIAN: They had been there for years and years. And they operate pretty much

35 MR JELICIC: Yeah.

MS TUOR: Yeah.

MR JELICIC: Yeah.

40

MS TUOR: Yeah. I mean, I suppose the difference now is that you're having a – that actually used as a driveway accessing - - -

45 MR JELICIC: It's signalised.

MR DEMIAN: Yeah.

MS TUOR: - - - to provide parking.

MR JELICIC: It's signalised also. They're actually controlled and we're not providing full parking for the building as such because of the actual location that in.

5

MR DEMIAN: But we're also saying the current – or up till recently, there was a building that was actually flush with the easement. Whereas – is that the case?

MS TUOR: Yeah. Yeah.

10

MR DEMIAN: Yeah.

MR JELICIC: Yeah.

15

MR DEMIAN: Yeah.

MR JELICIC: Whereas now they'll actually have a lot more width - - -

MR MATTHEWS: Yeah.

20

MR JELICIC: - - - in order to circulate through. So they're not necessarily going to be confined – there won't be a fence at that easement. I assume this will all be open.

MS TUOR: Well, they'd have to get an easement - - -

25

MR MATTHEWS: Well

MS TUOR: - - - over your property to do that.

30

MR JELICIC: Something along those lines. Yeah.

MR PILTON: Yeah.

35

MS TUOR: All right. So just going back to your overview, introduction, at the beginning – I think you largely said that why we should allow the gateway determination to go ahead is that so a lot of these things that we're discussing now can be worked out in the future.

MR NEAL: That's the point of part 3. Yes.

40

MS TUOR: Yeah. Except when you read out the point of part 3, it was largely about saying that you stopped proposals going ahead – to, you know, not waste time and money, on behalf of the applicant as well as on behalf of, presumably - - -

45

MR NEAL: Yes.

MS TUOR: - - - government authorities and the public – that don't necessarily have strategic planning merit. So do you want to just explain what sort of things you would do if we were to enable it to proceed to gateway.

5 MR NEAL: Just a point of clarity. It has been considered that it has strategic merit, with the gateway determination. So - - -

MS TUOR: Well, I think that's - - -

10 MR NEAL: At 6 to 1 - - -

MS TUOR: - - - the – for a smaller building, not for the bigger building.

MR NEAL: Sure.

15

MS TUOR: So - - -

MR NEAL: And so I guess the question is at 10 to 1 plus the bonuses, why doesn't that have strategic merit? And that's the question that I think Alex and James and
20 Matt and Charlie have been trying to answer, why 10 to 1 plus the bonuses has strategic merit. It has strategic merit at 6 to 1. Alex has shown through all the detail that it works at six to 1. It can also work at 10 to 1, plus you're getting economies of scale, more housing product - - -

25 MR DEMIAN: Better outcome.

MR NEAL: Better commercial outcome - - -

MR DEMIAN: So really the only - - -

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MR NEAL: - - - for the city.

MR DEMIAN: - - - difference that would vary between a 10 to 1 or a 12 to 1 and a 6.9 to 1 is the height, whether it's a - - -

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MR NEAL: That's right.

MR DEMIAN: - - - 16- or 17-storey building among – buildings in the CBD now are 50-plus type storeys, versus the 33 building – 33-level building. The footprint of
40 the actual site, regardless of the height, would be pretty much the same: would be, you know, four and three units per floor. So really the only one single difference that would be is going to be the height. We're going to have a 17-storey for the next 100 years in the CBD, at 17 levels, versus a nice building which goes with the mix of – I mean, next door to it we've got 67 storeys, at Westfields. Directly opposite – the
45 older buildings, under the old LEP, are 25 storeys. Behind us are going to be 50 and 55 storeys, on the southern side of Church Street the Great Western Highway. So it sort of sits in with a good mix. Like, you're going to have 50, you're going to

have 33, you're going to have 70, versus, you know, 55 67. But as far as the operation of the development and the footprints, laneways, circulations, the whole bit, it's pretty much the same.

5 MR JELICIC: I think another - - -

MR DEMIAN: It really is.

10 MR JELICIC: - - - thing to take on board is also in the current, I guess, market, the way the banks are viewing any development nowadays, especially if you're looking at a development of a certain scale – the taller, the bigger the development is, usually requires a harder – a higher performance from a quality point of view. So if you're talking about delivering a building at – what I'm trying to say is if you're delivering a building of let's say 20 storeys, then you can have a wide range of, potentially,
15 builders that can do that. As soon as you start talking about the buildings of 25-, 30-, 30-plus storeys, the – all the funders and banks and so on are very specific about who's involved on those projects, what level or what quality history they've got in building within the area and so on. So what I'm trying to suggest is that in some ways the scale of the building will actually - - -

20

MR DANIEL: Improve.

25 MR JELICIC: - - - improve the quality or improve – and this is what you can see all around Parramatta and so on. If – people are trying sometimes to just push the building down. You end up with a poorer amenity, and then also you end up with, necessarily, a poorer final product.

30 MR DEMIAN: But finally is that a 6.9 to 1 is about 3850 square metres of FSR. So take a 1 to 1. Take off 580 square metres for commercial. That leaves you about 3300 square metres. And if you have the – you divide that by the formula, you're going to get about 36 residential apartments. So it'll be a low-density type residential in a CBD, where the economies of scale aren't going to be there, so from a viability and sustainability, it will end up being a lower standard of a building versus, like, a higher standard of a building. So I think that's something that is pretty
35 important. So let's say, for example, we don't develop the building and we pass it on. The next person, based on the current 6.9 to 1 now, as said to you, is getting 33 units, 580 – 558 square metres of commercial. And even if they put the car park aboveground, you're looking at a maximum of about 15, 16, 17 storeys in total, you know, versus, you know, a better finished building. So I think that's pretty
40 important.

45 MR DANIEL: That's right. I mean, I wrote down some dot points. And I – the site in relation to its dynamics of how it sort of performed for vehicle entry, those sort of things, and site activation, will have to be solved at any density level on this site. We feel we can do that. And there is a – we can achieve it. But the larger building provides us – as Charlie said, the economy of scale. We'll be able to have the opportunity to provide the sustainability targets that are before us. We'll have more

– we’ll be able to provide more diversity in relation to better commercial opportunities for people for the future. We’ll obviously be able to provide better economies of scale for the internal dynamics for the rents that will be eventually available to people here. And, most importantly, they have better opportunity to
5 have a building of much, much higher design excellence standards right onto Paramatta Station and all that shopping district. And these, to me, seem like all the things that are trying to be strategically achieved in Paramatta CBD. And if – and the lower density does not provide us the opportunity to achieve that. The higher density does.

10 MR DEMIAN: So the thing - - -

MR DANIEL: And that – to me, I think that’s - - -

15 MR DEMIAN: So once building is developed - - -

MR DANIEL: - - - a compelling argument.

MR DEMIAN: Like, it’s really gone for the next hundred years before it can be
20 amalgamated and redeveloped again. So the lifespan is about a hundred plus. And to have like a 16 or 15, 16, 17 storey building in CBD in this. location from our point of view, it really doesn’t stack up.

MR NEAL: It’s a wasted opportunity.
25

MR DEMIAN: It’s a lost opportunity. Yeah, a lost opportunity for sure. Because like it’s really 33 or 37 apartments versus your 80 apartments where you get double lifts and you get the better amenities within the building itself. Once you go under
30 40 then you only have to provide one single lift. So in the event of that breaking down, for example – that’s one amenity. In the event of breaking down, you’re walking up and down 17 levels. Unless to get – never go for a single lift as a developer. Never, ever. Okay.

For that very one reason. But let’s say if we actually let go of the site. Then the next
35 person along to develop it. I’m going to save money on this out of this project. And they end up installing a lift. Well, once you go above 40, it’s actually mandatory that you have two lifts minimum. The fire services improve as you go higher. The improves. The better performance building will come being in the range and look, I feel like it is – but more importantly, the finishes – like this
40 high rise finishes in CBD in particular that we have designed pretty much demand that no paint work uses, for example everything is prefabricated material and glazing, aluminium and the rest of it. Once you bring your building then to below, you know, sort of average building then people do get away with not maximising on a good finish on a building.

45 MR JELICIC: Well, you can use, obviously, a less - - -

MR DEMIAN:

MR JELICIC: Less stringent materials because, obviously, it becomes more kind of
a conventional construction method rather than using like high performance – I
5 mean, if it's going to be a tall building, it's going to have to withstand all sorts of
environmental - - -

MS TUOR: Yeah. I mean, I suppose the counterargument - - -

10 MR JELICIC: Yeah.

MS TUOR: - - - to all of that is that - - -

MR JELICIC: Yes.

15

MS TUOR: - - - there isn't actually a height control on this at the moment.

MR JELICIC: Yeah.

20 MS TUOR: So you could actually look at making your floorplate smaller, or only
having two much larger units on each floor, and go up higher.

MR JELICIC: Yeah.

25 MR DEMIAN: You can - - -

MS TUOR: And - - -

30 MR JELICIC: But I think we also try and - - -

MS TUOR: With a lot less, you know, than - - -

MR JELICIC: Sure. But we're also trying to - - -

35 MR DEMIAN: But it's more expensive, your Honour.

MR JELICIC: Yeah. We're trying to be - - -

40 MS TUOR: Yeah, I - - -

MR JELICIC: We're trying to be reasonable.

MS TUOR: Yeah.

45 MR JELICIC: I mean, this is not – let's be frank, it's not Darling Point. And where
we can maybe get away with building, I don't know, 30 or 40 - - -

MS TUOR: Though if you go high enough, you might get water views.

MR JELICIC: Yeah. True. And also something else – but I mean - - -

5 MR DANIEL: The Paramatta River's there.

MR JELICIC: Yeah. I think maybe 10 years back, you know, four apartments per
floor would be ambitious for a site like this. But nowadays, it's becoming a normal
thing. I mean, there's always evolution of buildings and so on. And Paramatta's the
10 place to be. So I think it's not unreasonable to expect that something like this can be
delivered.

MS TUOR: Yes. Just one of the other things I wouldn't mind you commenting on,
because we asked the department and the council as well – just in terms of
15 amalgamation and, I think, your economic report. If you – I think particularly you
say that it could be a perverse outcome with the sliding scale. So you probably have
covered it. But maybe if you just want to specifically address just that sort of aspect
of it. And just – I think the feeling I got from your original submission, and from the
report, was that you felt that council and the department were, you know, essentially
20 saying, "You've got to amalgamate." Whereas the feedback that we've had from the
council and the department is not that you've got to amalgamate. But they want to set
up a FSR system that is an incentive for amalgamation. And essentially to provide
better planning outcomes so that if you can get the larger sites that you then get the
incentives to encourage you to amalgamate it. But if you can't get the larger sites
25 then you still can develop your site. But it's at a smaller scale. I think that's what
they would

MR DANIEL: Well, I can just reflect back to the former senior staff member there
when we at the very start of this project, we went out and tried to amalgamate the
30 sites. And, obviously, we tried to do that, and it was found impossible to do that, and
the evidence is before you very early in the piece. And then we started managing the
issues of traffic and impact and making sure – and working with the council there.
But the former senior staff at the council did tell us that – we said, well, look, we can
– if we're able to give – get – we can still meet all the strategic objectives you're
35 trying to do with sustainability, housing outcomes, more employment, all these sort
of things, by having this smaller site, if we're able to give this opportunity to do that
and get a much better building and a much better designed building.

That's the outcome that we can achieve, and that will not prohibit the rest of the site
40 developing in the future when they're ready. That may be 20-30 years away. And
the answer to that question was that – well, as planners, we don't necessarily think as
developers sometimes. We're prepared to wait 30 or 40 years for these better
planning outcomes to occur. Now, so I would challenge that that is actually a – I
mean, that was – and that was verbatim comment to us, and I believe Charlie was in
45 the room with me at the time, and Alex was as well. And - - -

MR JELICIC: We would all think 30 years is a very long time to

MR DANIEL: Yes. And - - -

MR JELICIC: You just couldn't possibly consider it.

5 MR DANIEL: And I think a statement like that actually – this is the perverse outcome in relation that's mentioned, I think, in a part of that economics report.

MS TUOR: Yes, I think what council's – what department and council have said to us is that - - -

10

MR DANIEL: Well - - -

MS TUOR: - - - you either get a larger site and amalgamate and achieve a good urban design outcome with that, or you have a smaller building and you do that now.

15

MR DANIEL: Without all the benefits that can be achieved and the objectives that the State is trying to achieve in relation to sustainable buildings, diversity of commercial space, more housing. So that's what's going to be lost, which is the perverse outcome, that it actually undermines the State objectives in relation to

20 planning. Just to merely turn around and say that, "Your site will not – you can just develop it at a smaller rate" – the point is, that's not happening in the market. The evidence is showing that's not occurring. The point that we've been here since 2015, pushing our barrow in relation to it, is because the economics works and the ability works for what we're proposing, within reason.

25

It needs to be further studied, of course, for some of those amenity issues. But that's what works. If we could make this work with a smaller building, we would do it. We're not in the business of waiting four years for something to happen. And I think that seems like a very academic response on a planning ground for the department

30 and perhaps the council to say that. But the real on-the-ground economic delivery of housing – which is what we're part of the process for – is that that's not the case.

MR DEMIAN: There's a bit of a behind our proposal, which the carpark, west of the carpark. I think, from memory, it's about eight levels.

35

MR JELICIC: Yes

MR DEMIAN: So, basically, all the balconies and residential – half of the building is within the carpark carpark, you're pretty much looking at balconies, and looks pretty awful. It's a very, very below average it's pretty much a – you know, this seventies/eighties-style building, which has only been built I think a number of years ago. But if you go to the rest of the carpark and look at that, I mean, it looks pretty hopeless, pretty awful. So the height of the structure of the Westfield I think would contain about four to five levels.

45

MR JELICIC: Yes.

MR DEMIAN: So if someone was to put one commercial on the ground floor and then three to four residential, that would fit pretty much within the carpark height. It becomes a very poor amenity to the resident or the end user in something like that. Whilst our proposal is basically the first seven or eight levels become a mixture of commercial and the balance will be filled in with car parking, because it can only – the will only go so far. And your residential is starting above the Westfield structure and sort of upward from there, which the outcome would be a much better outcome all around. As I said, look, the loss of the opportunity of being able to build a 33 building in a mix of 40, 50, 55, 60 and 67 versus a 16-, 17-storey building for the next hundred years in a CBD location as such, you know and just from a character and urban outcome, the smaller buildings in the CBD

MR JELICIC: But I think the other thing also is that if – let's say, hypothetically, we did have control over the whole – that portion of the block, our proposed built form would still look similar - - -

MR DEMIAN: Pretty much the same.

MR JELICIC: - - - in relationship to our site alone. We would most likely design the same layouts with orientation of the three apartments per floor facing north, obviously, indentations in building to obviously alleviate that sort of length at the side and, obviously, some apartments facing to the south. And then, potentially, what we would do with this building is maybe a couple of different options, but fundamentally it would follow this form I guess that's what we're kind of trying to say, is that it would appear to be more like a staged development. And we're not saying that, you know, what happens here can happen anywhere else, because obviously, everything – every site has to be scrutinised and analysed and tested.

But we think that it's not dissimilar to this in a sense, and you would still hypothetically have, if you combine our site with a neighbouring site, maybe we would reach about 1700 or 1800 square metres. But you would, in a nutshell, still have a built form of what we are seeking today.

MR DEMIAN:

MS TUOR: Yes. I think one of the main differences, potentially though, would be at the lower levels where you would have, you know, your access and your parking and your retail – active uses.

MR JELICIC: Yes.

MS TUOR: Those levels would potentially be less constrained than you

MR DEMIAN: Absolutely. I agree.

MR JELICIC: Yes. Yes. That's – yes. Exactly. I mean – and that's another thing, actually. In fact, it's actually a lot more expensive to develop a site that's smaller

and constrained like this one is than if we did actually have a control over the whole thing. It would have been a lot easier – the old car park – it would be a lot – fewer levels

5 MR DEMIAN: But the smaller level – the smaller buildings achieve a much better outcome from a SEPP 65 point of view because, in the CBD, once you get above level 8 – I think it is – then it's deemed as compliant but it's not because of the height

10 MR JELICIC: I just think it's a natural ventilation.

MR DEMIAN: Yes. Natural ventilation. That's from a footprint that is not a corner or doesn't have the full won't necessarily get a good, you know, sort of, ventilation outcome, as I said.

15

MR JELICIC: Yes.

MR DEMIAN: So I think smaller buildings attract better better cross-ventilation and better amenity for the end user. Instead of having 10 or 12 people on the one level, you're really limited to four people per floor.

20

MR JELICIC: I mean one - - -

25

MR DEMIAN: So there are benefits.

MR JELICIC: The other thing that we've done in the past in a similar situation when we did have, obviously, one site and then council expected or wanted to understand what is happening for the rest of the block, we would have prepared, like, a block-specific DCP as a part of our submission and basically penalised, potentially, the rest of the block that's developable and suggests to the council or department in which shape and form this can be delivered and still tests the ADG principles on future developments, which is now becoming a norm with Sydney City Council. When you're actually lodging a DA, there is expectation to know what the future developments are going to be to your north, to your south and so on, and I think that's a reasonable way to approach it, at least from a planning proposal point of view.

30

35

MS TUOR: So just on that, just clarify – and I think it was brought up before but we were – went off on a different tangent – they're the latest drawings that had been submitted to council and the department?

40

MR JELICIC: That is correct. There was issue F, which is in front of you today, I believe, as well - - -

45 MR DEMIAN: With the exception of that one single footprint that hasn't – this one has - - -

MR JELICIC: Yes. This one has with - - -

MR PILTON: We haven't got those.

5 MS TUOR: Yes. No. No. These drawings that we've got - - -

MR DEMIAN: This one hasn't.

10 MR JELICIC: Yes. That's correct. Yes.

MS TUOR: That that's what - - -

MR JELICIC: That's correct. Yes.

15 MS TUOR: So council and the department hasn't got - - -

MR JELICIC: Yes. That has been always – yes. That's with the – that's a formally issued document to everyone.

20 MS TUOR: Yes. So there has been nothing since that.

MR JELICIC: Yes. No. No.

25 MS TUOR: Okay.

MR NEAL: Coming back to your question, I think we fudged the question slightly about the perverse outcome - - -

30 MR DANIEL: That's right.

MR NEAL: - - - and it comes back into - - -

MR DEMIAN: We fudged the question or answer?

35 MR NEAL: It comes from the economics report from BPM Consulting. I think – I'm not a land economist but I think the real point is that the clause 7.2 in the LEP hasn't worked. It hasn't encouraged an amalgamation in the circumstance, despite being in the LEP since 2011. It hasn't worked. So the incentive isn't working at the moment.

40 MR DEMIAN: See, the thing is – I mean, with this sort of Gateway as well – so you get trial date, you start doing the final studies and, until you have a result, it doesn't go to exhibition and this is what the Gateway determination really – you know, lists the things of investigation. For example, the truck turning circles – well,
45 that has to be qualified – the activation of the retail at the front and a variety of conditions. So Gateways are usually highly conditioned and those issues are, you know, determined and assessed properly because all we've done up to date has been

a very simplistic basic, you know, sort of, massing exercise of what a building could look like and what size of footprint is likely to be on that site, but we haven't really gone to final definitions of final assessments and I suppose these are the things that we do into the next stage if we are successful.

5

MR NEAL: And what may encourage amalgamation is for this Gateway determination to proceed and development to occur. That may be the domino – that may create the domino effect that we're after here.

10 MR DEMIAN: And, look, we've done a lot of site amalgamations all over Sydney. It just takes years and years and years and frustrations on everyone's part to actually be able to amalgamate, if any, and this used to always be one part in what had come through and it always sort of, like, splits the site regardless. So unless people are willing to come in and, you know, sort of – and be part of a development or renewal
15 of an area, it's mission impossible. This they have been there for years and years and years and years. You've got the Bank of China that want to relocate you know, sort of, around the place and so they're there at least until 2026. There's nothing can be done about that. That's actually a lease registered on the property and on title and to buy them out would be economically unviable, like, that's if they're
20 willing. I think the second longest lease – it was 2024 and the other ones are three years, sort of, average, back and forth. There's a couple of – there's one party that clearly made that clear to us that's his superannuation and he will be there until he dies. So that is a statement actually made to directly, face on face. The – as I said, the marketing guy that sold us the site and approached those people – that's the
25 property manager for at least half of them. So he has got the relationship with them to actually them and do that. And we did that over a lengthy period of time. It just – money was interest reason and they weren't willing to even talk about it.

MR DANIEL: And I think this is why the policy makers at council over a number
30 of years when they're debating this CBD framework – those that were delivering policy suggestions for them from the staff and the executive were sticking to the 7.2 principle there. The policy makers being the elected councillors over a number of times looked at this issue over a number of workshops but still maintained this – what is deemed a get-out clause. Right. And the reason they did it because they're
35 constantly interfacing with business, they're constantly interfacing with their community and they want to see the redevelopment of their CBD and they want it to be an international and a happening place and they're not seeing that occur and they're seeing that there are these perverse outcomes through these clauses that might be utopian planning provisions that think it's going to create the outcome but
40 the policy makers in their wisdom, not just at one meeting but over a number of years and over a number of meetings, looking at this positive decided no, we want to allow an opportunity for these small sites not at any cost, but under – and challenging the supplier to meet sustainability benchmarks to meet quality benchmarks to allow their sites to redevelop because they want to maintain the economy going into Parramatta
45 CBD.

At the end of the day, we're suppliers. We want to be able to compete on the quality of our product not just because we're the only people in town that have got the supply, and I think that's important for the consumer at the end of the day - - -

5 MR DEMIAN: And one of – one of the risks, as well, with these smaller sites around the 600 square metres plus or minus – don't require a design excellence if they don't wish to do so development application under a certain threshold which I think was either four or four and a half thousand square metres. So if you're under the FSR, you don't have to go through a design excellence for an extra 0.9
10 because it becomes unsustainable. The process – design excellence process usually takes about one and you've got to go through a variety of architects which actually is a very expensive exercise in its own right. So you will find for smaller sites – the majority of sites that had been built around Westfield had foregone the design excellence and just designed the appropriate FSR simple DA, simple
15 building and get moving. I think that's worthwhile keeping in mind because they're permitted to do that under the current LEP. Okay. So they can actually bypass the design excellence for the building - - -

MS TUOR: Sure.

20

MR DEMIAN: - - - and of economics of scale.

MS TUOR: All right. I will just check if there's any further questions, any questions?

25

MR KEARY: Look, I guess the only question I had in retaining – saying you want to retain condition 1(a), is there an acknowledgement that – and going back to the original points you made about letting this go through part 3 and the detail detailed design testing process, is there an acknowledgement that the built form
30 that's before us in this report is not the built form that will come out the other end in terms of both height and FSR - - -

MR DANIEL: I think - - -

35

MR KEARY: - - - or – and – sorry

MR DANIEL: Yes, no, that's okay, Dan – yes - - -

40

MR KEARY: And to – you made some arguments also about economic viability, so if there's a scheme that comes out of that testing process that isn't this scheme and doesn't meet the height and FSR, is there a – you know, where's that sort of threshold in terms of viability? It's - - -

45

MR DANIEL: I - - -

MR KEARY: So I think there's an acknowledgement that you're going to go through a process and you might not end up with this scheme, but, you know, the

counter to that is – almost arguing that this scheme has to proceed on viability grounds.

5 MR DEMIAN: Well, this is your 15:1 and that's including commercial and that's the restructure. Now, if the FSR comes down, well, this will come down or may only be limited to ground floor because that's what's required under the built form development within the area, so this is basically your – you know, proposed FSR at 15:1 that we have. And anything under that will just, you know, bring it down – that's pretty much but as far as the economies of scale, well - - -

10 MR MATTHEWS: Well, I guess to answer your question, you know that it's always easier to reduce something to increase it during a Gateway process, so if you – so, for example, 11 to 13 is mapped as 10:1 and 102 metres – that's 11 to 13 Aird Street. And something similar would come out of this process I would have
15 thought depending on the parking – like, it would probably be a little bit higher and that's what we present and anticipate that. Now, if as the process goes on and the decision-makers bring things down, then that's an easier thing to do than to increase, so trying to answer your question, what I anticipate is that we would do this additional work, we would present a proposal to council with a higher FSR and
20 subject to support, that would go on exhibition.

Now, if that – incidentally, 11 to 13 was made under delegation of the Commission by council, I would have thought this would, given the process that it has been under, but – and certainly in the Gateway, I don't believe it – council had given delegation
25 but the Department or the Greater Sydney Commission as decision-maker in their wisdom to make whatever they see fit, but I wouldn't have thought they would increase an FSR that – and a height that had not been exhibited – but if they didn't think that that was appropriate, then it's easy to bring it down. Does that answer your question – kind of - - -

30 MR DANIEL: I guess my – the context I were saying was that this is not a typical style of Gateway condition that comes out in Parramatta CBD planning proposals, that they work out the height later. It's in no way of us trying to suggest that we're undermining that the scheme Aleks has done is not appropriate and is not
35 the built form that we think it's appropriate for the site. It's – my comments were just around that is not un-typical so we're not surprised that that's like that. And, yes, the building height, as James says, is the commercial may move up, may move down and how we place that 3:1 commercial there you don't know how your eventual height will end up. I would just anticipate that at the end of our study, that
40 would be put in place and the delegate would then nominate a height based off, you know, the decision-makers looking at our material. So it wasn't of an insecurity in relation to our scheme. It was just to allow that flexibility of adjustment in – at a future stage.

45 MS TUOR: All right. So was there anything else you wished to say otherwise I think we're probably - - -

MR MATTHEWS: No, I think the only thing I would add is the key difference here between our site and even 11 to 13 is just the layout of the lots and how that makes it slightly more difficult to amalgamate whereas 11 to 13 probably could have just because the pattern is easier to amalgamate. And even if we amalgamated, say, one
5 here and one here got a site area of 1800 and you're going to end up with a – just – just a numerical number. So we've studied it to the site, I guess, is the point and 11 – very, very similar to 11 to 13 except they've got an easier amalgamation pattern that they could have amalgamated but haven't. So I'm not saying that just because they we should. I'm just saying that we've studied and, you know, we've got
10 decisions from the council all along the way and the CBD planning strategy that's important - - -

MR DEMIAN: I think the one and final point – I won't make any more – is that what we applied for and what we have is consistent with multiple resolutions by
15 council, including 12 September 2018 as far as small sites are concerned. So it's actually absolutely consistent with it for example, if this fails for one reason or the other, and we just wait up until the CBD framework comes out, that will pretty much what we're trying to apply for now instead of delaying it for another two or three years until the CBD framework has been finalised. So it's consistent and I
20 think that's the way we've played it from the word "Go". We've consulted with council, workshopped it with councils and we've tried to be consistent from the outset and up to date. And, as I said, recently, the council resolved pretty much what the councils in the past had except the high performance building to sites that have 6:1 I think that's pretty much where we sit on that.

25 MS TUOR: Right. Okay. That's it. Thank you - - -

MR KEARY: Yes.

30 MS TUOR: - - - very much for your time.

MR DANIEL: Thank you.

MR DEMIAN: so much
35

MS TUOR: Thank you.

MR JELICIC: Thank you for your time.

40 **MATTER ADJOURNED at 1.47 pm INDEFINITELY**